

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROBERT TAYLOR, Mayor,  
City of Roseville, et al,

Case No. 16-10256  
Hon. John Corbett O'Meara

Plaintiffs,

**Hearing: 2/4/16, 10:00 a.m.**

v.

RUTH JOHNSON, in her official  
capacity as Secretary of the State of Michigan, et al,

Defendants.

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**THE CITY OF DETROIT'S MOTION TO FILE BRIEF AS AMICUS CURIAE**

NOW COMES the City of Detroit, by and through its undersigned attorneys, and pursuant to Fed. R. Civ. P. 7 and LR 7.1 moves this Court for an Order allowing it to file a brief as *amicus curiae* in this matter, as follows:

1. This action challenges the constitutionality of Section 57(3) of PA 269, which purports to prohibit public bodies or public officials from using public resources to “communicate” with the public on a local ballot questions for 60 days leading up to an election.
2. The Detroit City Council and the Election Commission are “public bodies” whose free speech is unconstitutionally restricted by this statute.
3. The Detroit City Charter, Sec. 7-1401 provides that “[t]he City of Detroit shall operate and maintain its television channels for the benefit of the citizens of the City of Detroit.” The Charter further provides, at Section 7-1403, that “[a]ll official meetings of the City Council shall be broadcast in their entirety, and where feasible in a live format.” Council sessions are broadcast to the general public in Southeast Michigan via Comcast Channel 10. These are “public resources by means of ... television,” as stated in S.B. 571, and therefore chilled by the unconstitutional restrictions in Section 57(3).
4. In addition to restricting City Council's free speech, this statute unconstitutionally restricts citizen access to information on the governmental process. Some citizens cannot physically, or due to other commitments, come to Council Chambers to access the information. Many do not have Internet access.
5. The City of Detroit therefore requests permission to file a brief as *amicus curiae* in this matter. See *Flagg v Detroit*, 252 F.R.D. 346, 360 n. 28, 367 (E.D. Mich. 2008). The City is seeking other parties to join in its brief, but in any event will file it no later than February 3, 2016.
6. Pursuant to LR 7.1(a), the City’s counsel has sought concurrence in the relief requested in this motion. Plaintiffs concur. The City’s counsel sent an email to Defendants’ and

amicus counsel as well on February 2, 2016, but they have not responded as of the filing of this Motion.

WHEREFORE, the City of Detroit respectfully requests that the Court enter an Order allowing it to file a brief *amicus curiae* herein.

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

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Dated: February 2, 2016

**BRIEF IN SUPPORT OF THE CITY OF DETROIT'S MOTION TO FILE BRIEF  
AS AMICUS CURIAE**

In support of its Motion the City relies on Fed. R. Civ. P. 7, LR 7.1 and *Flagg v Detroit*, 252 F.R.D. 346, 360 n. 28, 367 (E.D. Mich. 2008).

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

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Dated: February 2, 2016

**CERTIFICATE OF SERVICE**

I certify that on February 2, 2016, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

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